

# **EXHIBIT B**

**In The Matter Of:**  
*Hodell-Natco Industries, Inc. v.*  
*SAP America, Inc., et al.*

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*Otto Reidl*  
*Vol. 1*  
*February 7, 2012*

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4 HODELL-NATCO ) Case No. 1:08 CV 2755  
5 INDUSTRIES, INC., ) Judge: Lesley Wells  
6 Plaintiff, ) Magistrate Judge:  
7 vs. ) Greg White  
8 ) VOLUME I  
9 SAP AMERICA, INC., et )  
10 al., )  
11 Defendants. )  
12  
13 THE VIDEOCONFERENCE DEPOSITION OF OTTO REIDL  
14  
15 DATE: Tuesday, February 7, 2012  
16 TIME: 9:57 a.m.  
17 PLACE: Reminger & Reminger  
18 1400 Midland Building  
19 101 Prospect Avenue, West  
20 Cleveland, Ohio 44115  
21  
22  
23 NEXTGEN  
24 REPORTING  
25 Registered Professional Reporters

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1 APPEARANCES:  
2  
3 ON BEHALF OF THE PLAINTIFF:  
4 MR. P. WESLEY LAMBERT, ESQ.  
5 Koehler, Neal, LLC  
6 3330 Erieview Tower  
7 1301 East Ninth Street  
8 Cleveland, Ohio 44114  
9 (216) 539-9370  
10 wlambert@koehlerneal.com  
11  
12 ON BEHALF OF THE DEFENDANT SAP AMERICA, SAP AG:  
13 MR. GREGORY J. STAR, ESQ.  
14 Drinker, Biddle, Reath  
15 One Logan Square  
16 Suite 2000  
17 Philadelphia, Pennsylvania 19103  
18 (215) 988-2734  
19 Gregory.Star@dbi.com  
20  
21 ON BEHALF OF THE DEFENDANT LSI:  
22 MR. ROY A. HULME, ESQ.  
23 Reminger & Reminger  
24 1400 Midland Building  
25 101 Prospect Avenue, West  
Cleveland, Ohio 44115  
(216) 687-1311  
rhulme@reminger.com  
  
ALSO PRESENT: Kevin Reidl  
Daniel Lowery

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5 OTTO REIDL  
6 BY MR. STAR ..... 4  
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1 OTTO REIDL,  
2 called as a witness herein, having been first duly  
3 sworn, as hereinafter certified, was examined and  
4 testified as follows:  
5 DIRECT EXAMINATION OF OTTO REIDL  
6 BY MR. STAR:  
7 Q. Good morning, Mr. Reidl. I  
8 apologize in advance if I continually  
9 mispronounce your name today. Feel free to  
10 correct me. I'm Greg Star. I'm an attorney  
11 on behalf of SAP America and SAP AG, and we're  
12 here today for your deposition as the  
13 corporate designee on behalf of Hodell-Natco.  
14 Have you ever been deposed before, sir?  
15 A. Yes.  
16 Q. How many times?  
17 A. Once.  
18 Q. When was that?  
19 A. Approximately 15 years ago.  
20 Q. All right. Let me go through the  
21 rules for you then, since it's been a while.  
22 I'll be asking you questions. The court  
23 reporter will be taking down what I say and  
24 your answers. It's important that we don't  
25 speak over each other. Is that fair?

<p style="text-align: right;">Page 41</p> <p>1 A. We had numerous documents, 2 marketing brochures, and press releases. 3 Q. Are you able to identify any of 4 those documents for me today? 5 A. I don't have them with me. I 6 have no documents here. 7 Q. You didn't bring any documents 8 with you today? 9 A. None. 10 Q. Prior to December 23rd, 2005, did 11 Hodell meet or speak with anybody that was 12 actually employed by either SAP America or SAP 13 AG in connection with its decision to license 14 Business One? 15 A. At all times we considered the 16 business partner as being one in the same. 17 Q. Okay. I understand that you'll 18 have a -- that you -- you take the position 19 here that LSi and Mr. Lowery's company were 20 working on behalf of SAP America and SAP AG, 21 correct? 22 A. Correct. 23 Q. Okay. But what I'm going to ask 24 you today, sir, and I'm entitled to get an 25 answer to, is whether there were any</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Yes. 2 MR. LAMBERT: Object, but you can 3 answer. 4 BY MR. STAR: 5 Q. Who was involved, sir? 6 A. Dan Kraus. We had an email from 7 Dan Lowery, indicating that he had 8 communication with Dan Kraus of SAP America 9 in beginning of November of '03. I'm sorry, 10 '04. 11 Q. Okay. Is that the only piece of 12 evidence that you have that anybody from SAP 13 America, or SAP AG, was involved in the 14 process of marketing or selling Business One 15 to Hodell prior to December 23rd, 2005? 16 MR. LAMBERT: Objection. Other than 17 LSi and -- and IBiS guys. 18 MR. STAR: Well, look. We need to get 19 that clear. I understand that he has -- as I 20 explained, I understand that you take this 21 position that LSi and Mr. Lowery were 22 operating as our agents, and that's a legal 23 issue. 24 MR. LAMBERT: Right. 25 MR. STAR: But what I'm entitled to</p>
<p style="text-align: right;">Page 42</p> <p>1 communications, whether they were written, or 2 whether they were verbal discussions between 3 Hodell, and anybody who is actually an SAP 4 America or SAP AG employee. And I understand 5 the distinction that you want to raise, and so 6 if we can have that understanding, I'm 7 entitled to get the information. 8 Going back to my question, at any time 9 prior to December 23rd, 2005, did Hodell have 10 any communications, written or verbal, with 11 anybody from SAP America, or SAP AG concerning 12 the licensing of Business One? 13 A. Not to my recollection. 14 Q. Prior to December 23rd, 2005, is 15 there any particular person who was actually 16 employed by SAP America, or SAP AG, who -- who 17 Hodell considers to have been involved in 18 marketing or selling Business One to Hodell? 19 A. Could you please repeat that 20 question? 21 Q. Sure. Prior to December 23rd, 22 2005, is there any particular person that was 23 an actual employee of SAP America or SAP AG 24 that was involved in the sales or marketing 25 process of Business One to Hodell?</p>	<p style="text-align: right;">Page 44</p> <p>1 find out today is whether there was anybody 2 from SAP directly, if we can understand that 3 distinction. 4 BY MR. STAR: 5 Q. And you mentioned Mr. Kraus, and 6 you understood that he was an SAP employee, 7 correct? 8 A. Correct. 9 Q. Okay. So you have an 10 understanding of what I'm talking about here. 11 I'm trying to find out from you, sir, whether 12 there were any SAP America, or SAP AG, actual 13 employees, that Hodell communicated with prior 14 to December 23rd, 2005, okay? With that in 15 mind, let me just ask the question. 16 Other than this one communication that you 17 mentioned, which was an email, I think you said 18 was forwarded from Mr. Lowery to Hodell, 19 indicating that Mr. Lowery had spoken with 20 Mr. Kraus of SAP, is there any person from SAP 21 America, or SAP AG, that Hodell had direct contact 22 with about the process of marketing or -- or 23 purchasing Business One prior to December 23rd, 24 2005? 25 A. No, because at all times, we were</p>

<p style="text-align: right;">Page 45</p> <p>1 aware that SAP Business One was marketed 2 exclusively through its business partners. 3 Q. Okay. So to be clear, prior to 4 December 23rd, 2005, no one from Hodell 5 actually spoke with an SAP America or SAP AG 6 employee about Business One, correct? 7 A. As far as I know -- 8 Q. Okay. 9 A. -- that is correct. 10 Q. And prior to December 23rd, 2005, 11 no one from Hodell actually had a direct 12 written communication with any person who was 13 actually employed by SAP America or SAP AG, 14 correct? 15 A. I don't know that as a fact. 16 Q. Referring back to this sentence 17 in the end of paragraph 12 of the complaint, 18 concerning efforts by SAP AG and SAP America 19 to market and sell Business One, what does 20 Hodell contend that either of those two 21 entities did directly to market Business One 22 to Hodell, if anything? 23 MR. LAMBERT: I just want to clarify -- 24 THE WITNESS: Define directly. 25 MR. LAMBERT: Yeah.</p>	<p style="text-align: right;">Page 47</p> <p>1 A. I don't know for sure. 2 Q. Okay. You go on in this 3 paragraph 13 to conclude, thus, SAP's 4 "partners" are agents of SAP, having assented 5 to act on behalf of and subject to the control 6 of SAP. 7 Is it correct that Hodell presently takes 8 the view that SAP business partners were the 9 actual agents of SAP? 10 MR. LAMBERT: Objection. 11 BY MR. STAR: 12 Q. You can answer. 13 MR. LAMBERT: It's a legal -- agents is 14 a legal term that was inserted in the 15 complaint. Obviously if you can testify as to 16 your layman's understanding of the 17 relationship between SAP and its business 18 partners, then you can do so. 19 THE WITNESS: Could you repeat that 20 question again, please? 21 BY MR. STAR: 22 Q. Sure. 23 A. I'm sorry. 24 Q. You agree with me that Hodell 25 contends in this litigation that LSi was</p>
<p style="text-align: right;">Page 46</p> <p>1 THE WITNESS: Define directly. 2 BY MR. STAR: 3 Q. I'll rephrase the question. 4 What, if anything, does Hodell contend that SAP 5 America and SAP AG did to market or sell Business 6 One to Hodell? 7 A. They provided literature. 8 Q. To whom? 9 A. To the business partner, who 10 provided it to us. 11 Q. At any time did SAP America or 12 SAP AG provide literature about Business One 13 directly to Hodell? 14 A. No. 15 Q. In paragraph 13 of the complaint, 16 sir, you reference a publication called the 17 SAP Solution Brief Qualified SAP All-in-One 18 Partner Solutions. Do you see that? 19 A. Yes. 20 Q. Okay. You quote a piece of that 21 document, but you do not attach that to your 22 complaint, do you? 23 A. Pardon me? 24 Q. You do not attach that document 25 to your complaint, do you?</p>	<p style="text-align: right;">Page 48</p> <p>1 acting as the "agent" of SAP America and SAP 2 AG when it was marketing Business One to 3 Hodell, correct? 4 A. Correct. 5 Q. Okay. And what you say here is 6 that, in paragraph 13, that they're acting -- 7 LSi is acting on behalf of and subject to the 8 control of the SAP Defendants. Do you see 9 that? 10 A. Yes. 11 Q. What evidence do you have that 12 LSi was acting on behalf and subject to the 13 control of SAP? 14 A. The literature that I mentioned 15 earlier, that they are one in the same. 16 They're a team. 17 Q. And by the literature, you're 18 talking about the SAP Solution Brief that's 19 mentioned in this paragraph 13? 20 A. No, because this references 21 All-in-One, instead of Business One. 22 Q. Okay. So what literature are you 23 referring to? 24 A. Some of the other exhibits that 25 we have provided.</p>

<p style="text-align: right;">Page 181</p> <p>1 Q. -- with the add-on? 2 A. -- with the add-on. 3 Q. When did that occur? 4 A. I -- I don't recollect for 5 certain. 6 Q. Is it your personal belief that 7 there was some issue with the SAP software by 8 itself that caused the implementation to be 9 delayed until March of 2007, or the go live 10 date to be delayed until March of 2007? 11 A. Please repeat that question. 12 Q. Sure. Is it your personal 13 contention that there was some issue with the 14 Business One software by itself, without the 15 In-Flight add-on, that caused a delay in the 16 go live date from the first half of 2006 into 17 the first quarter of 2007? 18 A. I believe part of the problem was 19 SAP Business One. 20 Q. Okay. Do you have any specific 21 information as to what the problem was with 22 Business One? 23 A. Am I asking that question with 24 what I know now or what I knew then? 25 Q. What you know now, sir.</p>	<p style="text-align: right;">Page 183</p> <p>1 the surface some problems with applets, large 2 applets in SAP Business One, with the DI API, 3 the data interface. 4 Q. If all that Hodell was going to 5 actually install was just Business One, 6 without any add-ons, how long would that have 7 taken? 8 MR. LAMBERT: Objection. 9 THE WITNESS: We never tested that. I 10 have no way of confirming. 11 BY MR. STAR: 12 Q. You don't know if it would have 13 taken a month or taken a year, right? 14 A. The implementation, meaning the 15 day you first turn on the computer, or when 16 you have it working? 17 Q. When you have it working. If all 18 you were going to install was Business One by 19 itself. 20 A. For 120 users, never, with our 21 database. 22 Q. Okay. 23 A. Now, that's what I know now. 24 Q. Why do you say it would never 25 work with your database?</p>
<p style="text-align: right;">Page 182</p> <p>1 MR. LAMBERT: Just a continuing 2 qualification that this is directed to Otto 3 Reidl personally, and not as a representative 4 of the company. 5 THE WITNESS: Right. 6 MR. LAMBERT: You can answer. 7 THE WITNESS: There were -- we had 8 indication that SAP Business One had problems 9 with other large add-ons, in file lockage and 10 speed. 11 BY MR. STAR: 12 Q. Okay. So you're -- 13 A. Through not -- verbal 14 communication from SAP business partner. 15 Q. Okay. 16 A. Since confirmed in emails from 17 SAP. 18 Q. My question is a little bit 19 different though. Is there any particular 20 aspect of SAP Business One that you believe 21 caused a delay in the go live date? Or was 22 that only -- did that only, that delay only 23 occur because of the attempted integration 24 with the In-Flight add-on? 25 A. The In-Flight add-on brought to</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Because -- 2 MR. LAMBERT: Again, continuing 3 objection -- not objection, just 4 qualification -- 5 THE WITNESS: I'm answering as an 6 individual. 7 MR. LAMBERT: -- as to this line of 8 questioning, right. 9 THE WITNESS: Because the developer, 10 Udi Ziv, said this was outside the 11 capabilities of the system, the database and 12 the number of users. 13 BY MR. STAR: 14 Q. This was after the attempted 15 installation, correct? 16 A. Yes. I -- I asked if I -- it's 17 based upon what I know now, versus what I knew 18 then, and I was answering based on what I know 19 now. 20 Q. Sure. And so when you -- when 21 Hodell actually did have direct communications 22 with SAP, SAP actually told Hodell that based 23 on its database size, and other factors, that 24 Business One might not function the way Hodell 25 had hoped, correct?</p>



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<p>1 A. When did they tell us?</p> <p>2 Q. When you finally communicated</p> <p>3 with SAP, well after you signed the license</p> <p>4 agreement, SAP actually told you, correct?</p> <p>5 A. Well after we were, started it</p> <p>6 live, well.</p> <p>7 Q. And that's the first time Hodell</p> <p>8 -- first -- the first time Hodell actually had</p> <p>9 direct communications with anybody at SAP, was</p> <p>10 well after you signed the license agreement,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And it was actually after you</p> <p>14 went live in -- in March of 2007, correct?</p> <p>15 A. I can't say that with certainty,</p> <p>16 no.</p> <p>17 Q. Paragraph 28 of the complaint</p> <p>18 covers part of page 12 and 13 of your</p> <p>19 complaint. It lists certain information that</p> <p>20 was allegedly provided during -- provided</p> <p>21 through written materials to Hodell-Natco. Do</p> <p>22 you see that, sir?</p> <p>23 A. We're going back to 12?</p> <p>24 MR. LAMBERT: You said paragraph 28?</p> <p>25 MR. STAR: 28.</p>	<p>1 sales management capabilities. My question to</p> <p>2 you is, does Hodell presently believe that</p> <p>3 that representation is false?</p> <p>4 A. Yes. Taken into the -- in the</p> <p>5 context of the number of users, yes.</p> <p>6 Q. You agree with me, though, that</p> <p>7 SAP -- neither SAP America, nor SAP AG, ever</p> <p>8 made any direct representation to Hodell about</p> <p>9 the number of users that could be supported by</p> <p>10 SAP Business One?</p> <p>11 MR. LAMBERT: Objection.</p> <p>12 BY MR. STAR:</p> <p>13 Q. Correct?</p> <p>14 A. I have asked -- answered that</p> <p>15 question.</p> <p>16 Q. And the answer is nobody from SAP</p> <p>17 gave a direct representation, right?</p> <p>18 MR. LAMBERT: Objection.</p> <p>19 THE WITNESS: SAP business partners are</p> <p>20 one -- and SAP are one in the same to a</p> <p>21 customer.</p> <p>22 BY MR. STAR:</p> <p>23 Q. Okay. Paragraph 28 c, you claim</p> <p>24 Business One was represented as providing</p> <p>25 managers on-demand access to critical real</p>
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<p>1 MR. LAMBERT: He said paragraph 28.</p> <p>2 THE WITNESS: Oh, I thought he</p> <p>3 said ....</p> <p>4 BY MR. STAR:</p> <p>5 Q. You see that paragraph, sir?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Paragraph 28 b., you claim</p> <p>8 Business One was jointly represented by the</p> <p>9 Defendants as providing robust and fully</p> <p>10 integrated financial and sales management</p> <p>11 capabilities. Is it Hodell's belief that that</p> <p>12 representation was false?</p> <p>13 A. Yes.</p> <p>14 Q. Why?</p> <p>15 A. Because it wasn't easy to</p> <p>16 implement.</p> <p>17 Q. Well, what does this, having</p> <p>18 robust and fully integrated financial and</p> <p>19 sales management capabilities, have to do with</p> <p>20 the ease of implementation?</p> <p>21 A. Please rephrase that question.</p> <p>22 Q. Sure. I'm looking at 28 b, sir,</p> <p>23 where the allegation is that it was</p> <p>24 represented that Business One would provide</p> <p>25 robust and fully integrated financial and</p>	<p>1 time information. Do you believe that was a</p> <p>2 false representation about the potential</p> <p>3 capabilities of Business One?</p> <p>4 A. Yes.</p> <p>5 Q. Why?</p> <p>6 A. Because it wasn't real time.</p> <p>7 Q. Were these representations --</p> <p>8 A. Huge delays.</p> <p>9 Q. Were these representations that</p> <p>10 you're mentioning in paragraph 28 b. and c.</p> <p>11 specific representations about how Business</p> <p>12 One would function specifically for Hodell, or</p> <p>13 were these general representations about how</p> <p>14 the product works?</p> <p>15 A. I can only deal with the issue as</p> <p>16 represented to Hodell.</p> <p>17 Q. So you believe that the</p> <p>18 representation that Business One could provide</p> <p>19 on-demand access to critical real time</p> <p>20 information was false; is that right?</p> <p>21 A. Correct.</p> <p>22 Q. Why is it that you believe it was</p> <p>23 false?</p> <p>24 A. Because the system would lock up</p> <p>25 constantly, and it wasn't -- real time to me</p>

<p style="text-align: right;">Page 233</p> <p>1 Q. No -- I'm sorry. I'm looking at 2 paragraph 1.2 on the first page of the license 3 agreement. 4 A. Oh, I'm sorry. I thought you 5 said 7.1. 6 Q. Just want to make sure we don't 7 have any confusion there. 8 Just to do that again, you see in 9 paragraph 1.2, it says Documentation, right? 10 It says it means SAP's documentation, which is 11 delivered to licensee, being Hodell, under 12 this agreement, correct? 13 A. Correct. 14 Q. Okay. Do you have that 15 documentation? 16 A. I would have to defer to Kevin. 17 Q. Okay. Do you know if that 18 documentation's actually been produced in this 19 litigation? 20 MR. LAMBERT: Objection. 21 THE WITNESS: I would have to defer to 22 Kevin. 23 BY MR. STAR: 24 Q. Okay. Do you recall personally 25 ever reading the documentation?</p>	<p style="text-align: right;">Page 235</p> <p>1 understanding, as the designee on behalf of 2 Hodell, that the alleged misrepresentations 3 that support your fifth cause of action for 4 negligent misrepresentation, are the same 5 alleged misrepresentations that form the basis 6 of your claims for fraud and fraudulent 7 inducement? 8 MR. LAMBERT: Objection, same. 9 THE WITNESS: Sorry, I didn't hear what 10 you said. 11 MR. LAMBERT: I was just objecting. 12 You can answer, if you know. 13 THE WITNESS: I believe so. 14 BY MR. STAR: 15 Q. Okay. And you'd also agree with 16 me that all of the misrepresentations that 17 form the basis of your negligent 18 misrepresentation claim were representations 19 made to Hodell prior to its signing of the 20 license agreement on December 23rd, 2005, 21 right? 22 MR. LAMBERT: Objection. 23 THE WITNESS: I believe that's correct. 24 BY MR. STAR: 25 Q. Okay. At the time Hodell signed</p>
<p style="text-align: right;">Page 234</p> <p>1 MR. LAMBERT: Objection. 2 THE WITNESS: I don't know. 3 BY MR. STAR: 4 Q. So you don't know if the 5 documentation may have representations about 6 productivity gains and those sorts of things 7 that you have described, correct? 8 MR. LAMBERT: I just want to note an 9 objection. 10 THE WITNESS: I don't know. 11 BY MR. STAR: 12 Q. The fifth cause of action in your 13 complaint is for negligent misrepresentation. 14 It begins with paragraph 91. Is it correct 15 that the representations, or 16 misrepresentations that form the basis of this 17 cause of action for negligent 18 misrepresentation, are the same 19 representations that support your claims for 20 fraudulent inducement and fraud? 21 MR. LAMBERT: Objection. 22 THE WITNESS: Please rephrase that 23 question. 24 BY MR. STAR: 25 Q. Sure. Okay. Is it your</p>	<p style="text-align: right;">Page 236</p> <p>1 the license agreement in 2005, was it your 2 personal belief that you had any sort of 3 special relationship with SAP, either SAP 4 America, or SAP AG, or did you feel that you 5 were just dealing with them as a business 6 customer, or -- not the right word -- let me 7 ask the question again. 8 At the time that you signed the license 9 agreement in December of 2005, did Hodell 10 believe that it had any special relationship 11 with SAP America, or SAP AG, such that it was 12 in a position of trust or confidence with SAP? 13 MR. LAMBERT: Objection. 14 THE WITNESS: I don't believe it was a 15 special relationship. I believe a company of 16 SAP's stature requires an up and up 17 relationship with all their clients. 18 BY MR. STAR: 19 Q. So you'd agree that when you 20 signed the license agreement, you had nothing 21 more than a business to business, or arm's 22 length relationship between Hodell and SAP, 23 correct? 24 A. Correct. 25 Q. Let's go off the record for a</p>



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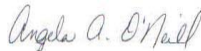
1 second.  
2 (Whereupon, an off-the-record discussion  
3 was held at 4:13.)  
4 (Whereupon, the deposition was continued  
5 until the following day.)  
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1 CERTIFICATE OF THE REPORTER  
2 I, Angela A. O'Neill, a Registered Professional  
3 Reporter and Notary Public, authorized to administer oaths and to  
4 take and certify depositions, do hereby certify that the  
5 above-named witness was by me, before the giving of their  
6 deposition, first duly sworn to testify the truth, the whole  
7 truth, and nothing but the truth to questions propounded at the  
8 taking of the foregoing deposition in a cause now pending and  
9 undetermined in said court.

10 I further certify that the deposition above-set forth  
11 was reduced to writing by me by means of machine shorthand and was  
12 later transcribed from my original shorthand notes; that this is a  
13 true record of the testimony given by the witness; and that said  
14 deposition was taken at the aforementioned time, date, and place,  
15 pursuant to notice or stipulations of counsel.

16 IN WITNESS WHEREOF, I have set my hand and seal this  
17 14th day of February, 2012.



18  
19  
20 Angela A. O'Neill, RPR  
My Commission Expires: Aug. 10, 2012  
21  
22  
23  
24  
25